

Zoning Text Amendment No: 08-02  
Concerning: Landscape Contractors -  
C-T zone  
Draft No. & Date: 2 – 6/27/08  
Introduced: February 26, 2008  
Public Hearing: April 1, 2008  
Adopted: July 8, 2008  
Effective: July 28, 2008  
Ordinance No: 16-22

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

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By: Council President Knapp

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- allow a landscape contractor as a permitted use in the Commercial, Transitional (C-T) if, under certain circumstances, the site adjoins a railroad right-of-way and any property recommended for commercial, industrial, or public use; and
- generally amend the provision that allows a landscape contractor as permitted use in the zone under certain circumstances in the C-T zone.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-C-4    “COMMERCIAL ZONES”  
Section 59-C-4.2    “Land uses”

**EXPLANATION:** ***Boldface** indicates a heading or a defined term.*  
*Underlining indicates text that is added to existing laws by the original text amendment.*  
*[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.*  
*Double underlining indicates text that is added to the text amendment by amendment.*  
*[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.*  
*\* \* \* indicates existing law unaffected by the text amendment.*

## OPINION

Zoning Text Amendment (ZTA) 08-02, sponsored by Council President Knapp, would amend the Zoning Ordinance to allow a landscape contractor as a permitted use in the Commercial, Transitional (C-T) zone if a site adjoins a railroad right-of-way and property recommended for commercial, industrial, or public use. Currently, a landscape contractor is a permitted use in the C-T zone if the site adjoins I-1 zoned property and property recommended for commercial, industrial, or public use.

The Council held a public hearing on ZTA 08-02 on April 1, 2008. There were no public speakers. The Mayor of the Town of Chevy Chase and individuals near the Bethesda Central Business District (CBD) submitted written testimony in opposition to the ZTA. Some of the written testimony recommended an amendment to allow a landscape contractor in the C-T zone only if it is located a significant distance from single-family houses.

The Planning Board and the Planning Board staff recommended approval of ZTA 08-02 as introduced. Their opinion characterized this ZTA as "a narrow amendment that will extend the opportunity for landscape contractors to operate in the C-T zone with minimal potential impact on residential development." The Planning Staff's report indicated some of the areas of the County that would be affected by this ZTA.

The Planning, Housing, and Economic Development Committee held a worksession on June 26, 2008 to review the zoning text amendment. After careful review of the materials of record, the Committee recommended that ZTA 08-02 be approved with amendments to exclude landscape contractors from sites located in a CBD Sector Plan area and editorial changes.

The District Council reviewed Zoning Text Amendment No. 08-02 at a worksession held on July 8, 2008. The Council agreed with the Committee recommendation to approve ZTA 08-02 as amended.

For these reasons and because to approve this amendment will assist in the coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 08-02 will be approved as amended.

## ORDINANCE

*The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:*

**Sec. 1. DIVISION 59-C-4 is amended as follows:**

**Division 59- C-4. COMMERCIAL ZONES**

\* \* \*

**Sec. 59-C-4.2. Land uses.**

No use is allowed except as indicated in the following table:

-Permitted Uses. Uses designated by the letter "P" are permitted on any lot in the zones indicated, subject to all applicable regulations.

-Special Exception Uses. Uses designated by the letters "SE" may be authorized as special exceptions under article 59-G.

	C-T	O-M	C-O	C-P	C-1	C-2	C-3	C-4	C-5	C-6	H-M	Country Inn
* * *												
d) Commercial:												
* * *												
Landscape contractor.	P <sup>60</sup>											
* * *												

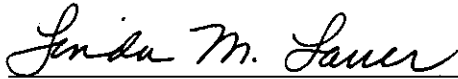
60 Permitted if: (A)(1) any part of the site adjoins property zoned I-1, and (2) [adjoining properties are] the site adjoins any property recommended for commercial, industrial, or public use; or (B)(1) any part of the site adjoins a railroad right-of-way[; and]], (2) the site adjoins any property recommended for commercial, industrial, or public use, and (3) the site is not located in a Central

Business District Sector Plan area. If the site adjoins a residential use, screening  
[[not less than]] at least 6 feet [[in height]] high must be provided.

\* \* \*

**Sec. 2. Effective date.** This ordinance takes effect 20 days after the date of  
Council adoption.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council